

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

RACHAEL ANNE ELROD, ANDREW KAUFMAN, SARAH MARTIN, and BROOKS BRASFIELD, on behalf of themselves and all others similarly situated,)	
)	
)	Case Nos. 3:20-cv-00617
)	
)	
Plaintiffs,)	Judge Richardson
)	
)	Magistrate Judge Holmes
v.)	
)	
NOTAX4NASH, MICHELLE and FOREMAN, KAREN MOORE, and JOHN DOES 1-10,)	CLASS ACTION
)	
)	JURY TRIAL DEMANDED
)	
Defendants,)	

MICHELLE FOREMAN and KAREN MOORE,)	
)	
)	
)	

Third-Party Plaintiffs,

v.

BEST SELLERS, LLC, HEATHER SELLERS, JOE GERGLEY, and HYPERMETRICS, LLC,)	
)	
)	
)	

Third-Party Defendants.

**THIRD-PARTY DEFENDANTS BEST SELLERS, LLC
AND HEATHER SELLER’S MOTION TO DISMISS**

Third-Party Defendants Heather Sellers and Best Sellers, LLC (collectively “Sellers”) respectfully move this Court to dismiss or strike the Third-Party Plaintiffs’

Amended Third-Party Complaint [Doc. No. 69], with prejudice, pursuant to Rules 12(b)(6) and 14(a). As explained in the accompanying memorandum, the Amended Third-Party Complaint fails to properly state third-party claims under Rule 14 or for which relief may be granted under Rule 12(b)(6). Additionally, because a Tennessee Consumer Protection Act claim was brought without legal merit, Sellers respectfully request an award of attorney fees pursuant to the Act.

Respectfully Submitted,

LASER LAW FIRM, PLC

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CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing will be filed and is expected to be served via CM/ECF on October 1, 2021, upon the following:

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